

REMARKS

Applicants have very carefully considered the Examiner's comments in the outstanding Office Action relative to Fuller, U.S. Patent 5,620,216. As described below, Fuller does not make obvious the pending claims.

A narrow door, having a thickness on the order of .5 to .8 inches can, in accordance with the invention, be fitted with an elongated, narrow mortise lock. In this regard, a boring formed in an edge of the door can be elongated so as to receive the mortise lock. The boring can have curved or planar ends. The lock substantially fills at least the width of the boring. The use of such locks in narrow doors, such as storm doors is particularly advantageous.

In the Office Action, the Examiner has based the rejection of claims 80, 83 and 84 on a "matter of obvious design choice" rationale (pg. 3, Office Action). The "obvious design choice" rationale does not comply with the statutory standard pursuant to 35 U.S.C. §103 and does not provide a proper basis for a *prima facie* case of obviousness. Under the statutory standard, a suggestion or teaching, based on the prior art of record, must be identified in the Office Action. The identified suggestion or teaching must be one that would motivate one of skill in the art to modify the teachings of the prior art so as to make the claimed structure obvious. The outstanding rejection is clearly deficient in this respect. No such teaching or suggestion has been identified. Indeed, the teachings of Fuller are primarily directed toward double, or, French doors, see Fig. 1 thereof. In this regard, Fuller has noted:

"Double, or french, doors present additional problems for the door designer from the aspect of securing, or locking, the door in position." (Col. 1, lines 39-41).

Subsequently, Fuller stated:

"Therefore, there exists a need for a retrofittable door lock for use in french doors, which will allow, with the turn of a single handle, the opening of both top and bottom flush bolts." (Col. 2, lines 23-26).

It is submitted that the types of doors referred to in Fuller teach away from the claimed invention. In this regard Fuller notes that:

"Thus, doors 12, 14 may be panel or hollow core doors, without panels, or other configurations may be used. In a panel door configuration, one or more panels 32 may be disposed within the area circumscribed by rail positions 26, 28 and styles 22, 30." (Col. 6, lines 3-7).

The types of doors described by Fuller are primary, security doors which are thicker than storm doors, since they serve a primary, security purpose. For all of the above reasons, Fuller actually teaches away from the claimed structure. The motivation to modify Fuller as proposed by the Examiner, as "a matter of obvious design choice" is in fact, based on hindsight reconstruction which uses the present application as a roadmap. Hindsight reconstruction is apparent in that Fuller in Fig. 11 does not illustrate a boring in the door. Such a rejection is clearly improper and is insufficient to support a proper case of *prima facie* obviousness.

For all of the above reasons, it is believed that the pending claims are allowable and allowance of the application is respectfully requested.

Respectfully submitted,

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